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Attorneys for Counterclaimants Paul Sandford,  
 Nick Sandford, and Grumpy Beverage, LLC

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION – SPRING

Grumpy Cat LIMITED, an Ohio  
 Limited Liability Entity,

Plaintiff,

vs.

GRENAD BEVERAGE LLC, a  
 California Limited Liability Company;  
 PAUL SANDFORD, an individual;  
 NICK SANDFORD, an individual; and  
 DOES 1-50,

Defendants.

PAUL SANDFORD, an individual;  
 NICK SANDFORD, an individual; and  
 GRUMPY BEVERAGE, LLC, a Texas  
 Limited Liability Company,

Counterclaimants,

vs.

GRUMPY CAT LIMITED, an Ohio  
 Limited Liability Entity; and ROES 1-5,

Counterdefendants.

Case No: 8:15-cv-02063-DOC-DFM

**DEFENDANTS' PROPOSED  
 SPECIAL VERDICT FORMS**

Case filed: December 11, 2015  
 Trial date: January 16, 2018  
 Place: Courtroom 9D  
 Judge: Hon. David O. Carter

1 **Special Verdict Form No. \_\_\_\_:**

- 2 (A) **Given as proposed** \_\_\_\_\_  
3 (B) **Given as modified** \_\_\_\_\_  
4 (C) **Refused** \_\_\_\_\_  
5 (D) **Withdrawn** \_\_\_\_\_

6 **Authority: CACI VF-300**

7 **SPECIAL VERDICT FORM NO. \_**

8 **BREACH OF CONTRACT**

9 **GRUMPY BEVERAGE, LLC VERSUS GRUMPY CAT LIMITED**

10 We, the jury in the above-entitled action, answer the questions submitted to us as  
11 follows:  
12

13 **1. Did Grumpy Cat and Grenade Beverage enter into a contract that was**  
14 **intended to benefit Grumpy Beverage?**

15 \_\_\_\_\_YES \_\_\_\_\_NO

- 16 • If your answer to question 1 is YES, then answer question 2.  
17 • If your answer to question 1 is NO, then stop here, answer no further  
18 questions, and have the presiding juror sign and date this form.  
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20 **2. Did Grumpy Beverage do all, or substantially all, of the significant**  
21 **things that the contract required Grumpy Beverage to do?**

22 \_\_\_\_\_YES \_\_\_\_\_NO

- 23 • If your answer to question 2 is YES, then skip question 3 and answer  
24 question 4.  
25 • If your answer to question 2 is NO, then answer question 3.  
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1           **3. Was Grumpy Beverage excused from having to do all, or substantially**  
2           **all, of the significant things that the contract required Grumpy Beverage**  
3           **to do?**

4           \_\_\_\_\_YES           \_\_\_\_\_NO

- 5           • If your answer to question 3 is YES, then answer question 4.
- 6           • If your answer to question 3 is NO, then stop here, answer no further
- 7           questions on this form, and have the presiding juror sign and date this
- 8           form.

9  
10           **4. Did all the conditions that were required for Grumpy Cat's**  
11           **performance occur?**

12           \_\_\_\_\_YES           \_\_\_\_\_NO

- 13           • If your answer to question 4 is YES, then answer question 5.
- 14           • If your answer to question 4 is NO, then stop here, answer no further
- 15           questions on this form, and have the presiding juror sign and date this
- 16           form.

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18           **5. Did Grumpy Cat fail to do something that the contract required**  
19           **Grumpy Cat to do?**

20           - OR -

21           **Did Grumpy Cat do something that the contract prohibited Grumpy**  
22           **Cat from doing?**

23           \_\_\_\_\_YES           \_\_\_\_\_NO

- 24           • If your answer to either option for question 5 is YES, then answer
- 25           question 6.
- 26           • If you answered NO to both options for question 5, then stop here,
- 27           answer no further questions on this form, and have the presiding juror
- 28           sign and date this form.

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**6. Was Grumpy Beverage harmed by Grumpy Cat's breach of contract?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 6 is YES, then answer question 7.
- If your answer to question 6 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

**7. What are Grumpy Beverage's damages?**

TOTAL: \$ \_\_\_\_\_

Signed: \_\_\_\_\_  
Presiding Juror

Dated: \_\_\_\_\_

After all verdict forms have been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.

Special Verdict Form No. \_:

- (A) Given as proposed \_\_\_\_\_  
 (B) Given as modified \_\_\_\_\_  
 (C) Refused \_\_\_\_\_  
 (D) Withdrawn \_\_\_\_\_

Authority: CACI VF-304

**SPECIAL VERDICT FORM NO. \_**

**BREACH OF COVENANT OF GOOD FAITH AND FAIR DEALING  
 GRUMPY BEVERAGE, LLC VERSUS GRUMPY CAT LIMITED**

We, the jury in the above-entitled action, answer the questions submitted to us as follows:

**1. Did Grumpy Cat and Grenade Beverage enter into a contract that was intended to benefit Grumpy Beverage?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 1 is YES, then answer question 2.
- If your answer to question 1 is NO, then stop here, answer no further questions, and have the presiding juror sign and date this form.

**2. Did Grumpy Beverage do all, or substantially all, of the significant things that the contract required Grumpy Beverage to do?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 2 is YES, then skip question 3 and answer question 4.
- If your answer to question 2 is NO, then answer question 3.

**3. Was Grumpy Beverage excused from having to do all, or substantially all, of the significant things that the contract required Grumpy Beverage to do?**

\_\_\_\_\_YES \_\_\_\_\_NO

- If your answer to question 3 is YES, then answer question 4.
- If your answer to question 3 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

**4. Did all the conditions that were required for Grumpy Cat's performance occur?**

\_\_\_\_\_YES \_\_\_\_\_NO

- If your answer to question 4 is YES, then answer question 5.
- If your answer to question 4 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

**5. Was Grumpy Cat excused from having to do all, or substantially all, of the significant things that the contract required Grumpy Cat to do?**

\_\_\_\_\_YES \_\_\_\_\_NO

- If your answer to question 5 is YES, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.
- If your answer to question 5 is NO, then answer question 6.

**6. Did Grumpy Cat unfairly interfere with Grumpy Beverage's right to receive the benefits of the contract?**

\_\_\_\_\_YES \_\_\_\_\_NO

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- If your answer to question 6 is YES, then answer question 7.
- If your answer to question 6 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

**7. Was Grumpy Beverage harmed by Grumpy Cat's interference?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 7 is YES, then answer question 8.
- If your answer to question 7 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

**8. What are Grumpy Beverage's damages?**

TOTAL: \$ \_\_\_\_\_

Signed: \_\_\_\_\_  
Presiding Juror

Dated: \_\_\_\_\_

After all verdict forms have been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.

**Special Verdict Form No. \_:**

- (E) **Given as proposed** \_\_\_\_\_  
 (F) **Given as modified** \_\_\_\_\_  
 (G) **Refused** \_\_\_\_\_  
 (H) **Withdrawn** \_\_\_\_\_

**Authority: CACI VF-1900**

**SPECIAL VERDICT FORM NO. \_**  
**INTENTIONAL MISREPRESENTATION**  
**GRUMPY BEVERAGE, LLC VERSUS GRUMPY CAT LIMITED**

We, the jury in the above-entitled action, answer the questions submitted to us as follows:

**1. Did Grumpy Cat make a false representation of a fact to Paul Sandford and/or Nick Sandford?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 1 is YES, then answer question 2.
- If your answer to question 1 is NO, then stop here, answer no further questions, and have the presiding juror sign and date this form.

**2. Did Grumpy Cat know that the representation was false, or did Grumpy Cat make the representation recklessly and without regard for its truth?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 2 is YES, then answer question 3.
- If your answer to question 1 is NO, then stop here, answer no further questions, and have the presiding juror sign and date this form.



1           **3. Did Grumpy Cat intend that Paul Sandford and/or Nick Sandford rely**  
2           **on the representation?**

3           \_\_\_\_\_YES           \_\_\_\_\_NO

- 4           • If your answer to question 3 is YES, then answer question 4.
- 5           • If your answer to question 3 is NO, then stop here, answer no further
- 6           questions on this form, and have the presiding juror sign and date this
- 7           form.

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9           **4. Did Paul Sandford and/or Nick Sandford reasonably rely on the**  
10          **representation in forming Grumpy Beverage?**

11          \_\_\_\_\_YES           \_\_\_\_\_NO

- 12          • If your answer to question 4 is YES, then answer question 5.
- 13          • If your answer to question 4 is NO, then stop here, answer no further
- 14          questions on this form, and have the presiding juror sign and date this
- 15          form.

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17          **5. Was Paul Sandford's and/or Nick Sandford's reliance on Grumpy Cat's**  
18          **representation a substantial factor in causing harm to Grumpy**  
19          **Beverage?**

20          \_\_\_\_\_YES           \_\_\_\_\_NO

- 21          • If your answer to question 5 is YES, then answer question 6.
- 22          • If your answer to question 5 is NO, then stop here, answer no further
- 23          questions on this form, and have the presiding juror sign and date this
- 24          form.

6. What are Grumpy Beverage's damages?

a. Past economic loss:

Lost earnings: \$\_\_\_\_\_

Lost profits: \$\_\_\_\_\_

Total Past Economic Damages: \$\_\_\_\_\_

b. Future economic loss:

Lost earnings: \$\_\_\_\_\_

Lost profits: \$\_\_\_\_\_

Total Past Economic Damages: \$\_\_\_\_\_

TOTAL: \$\_\_\_\_\_

Signed: \_\_\_\_\_  
Presiding Juror

Dated: \_\_\_\_\_

After all verdict forms have been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.

Special Verdict Form No. \_:

- (I) Given as proposed \_\_\_\_\_  
(J) Given as modified \_\_\_\_\_  
(K) Refused \_\_\_\_\_  
(L) Withdrawn \_\_\_\_\_

Authority: CACI VF-1901

**SPECIAL VERDICT FORM NO. \_**

**INTENTIONAL CONCEALMENT**

**GRUMPY BEVERAGE, LLC VERSUS GRUMPY CAT LIMITED**

We, the jury in the above-entitled action, answer the questions submitted to us as follows:

**1. Did Grumpy Cat intentionally fail to disclose a fact that Paul Sandford and Nick Sandford did not know and could not reasonably have discovered?**

\_\_\_\_\_YES \_\_\_\_\_NO

- If your answer to question 1 is YES, then answer question 2.
- If your answer to question 1 is NO, then stop here, answer no further questions, and have the presiding juror sign and date this form.

**2. Did Grumpy Cat intend to deceive Paul Sandford and Nick Sandford by concealing the fact?**

\_\_\_\_\_YES \_\_\_\_\_NO

- If your answer to question 2 is YES, then answer question 3.
- If your answer to question 1 is NO, then stop here, answer no further questions, and have the presiding juror sign and date this form.

1           **3. Had the omitted information been disclosed, would Paul Sandford and**  
2           **Nick Sandford reasonably have behaved differently, including, not**  
3           **forming Grumpy Beverage?**

4           \_\_\_\_\_YES           \_\_\_\_\_NO

- 5           • If your answer to question 3 is YES, then answer question 4.
- 6           • If your answer to question 3 is NO, then stop here, answer no further
- 7           questions on this form, and have the presiding juror sign and date this
- 8           form.

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10           **4. Was Grumpy Cat's concealment a substantial factor in causing harm to**  
11           **Grumpy Beverage?**

12           \_\_\_\_\_YES           \_\_\_\_\_NO

- 13           • If your answer to question 4 is YES, then answer question 5.
- 14           • If your answer to question 4 is NO, then stop here, answer no further
- 15           questions on this form, and have the presiding juror sign and date this
- 16           form.

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18           **5. What are Grumpy Beverage's damages?**

19           **a. Past economic loss:**

20                   **Lost earnings:**       \$\_\_\_\_\_

21                   **Lost profits:**        \$\_\_\_\_\_

22

23                   **Total Past Economic Damages:**        \$\_\_\_\_\_

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25           **b. Future economic loss:**

26                   **Lost earnings:**       \$\_\_\_\_\_

27                   **Lost profits:**        \$\_\_\_\_\_

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**Total Past Economic Damages:** \$ \_\_\_\_\_

**TOTAL:** \$ \_\_\_\_\_

Signed: \_\_\_\_\_  
Presiding Juror

Dated: \_\_\_\_\_

After all verdict forms have been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.

Special Verdict Form No. \_:

- (M) Given as proposed \_\_\_\_\_  
(N) Given as modified \_\_\_\_\_  
(O) Refused \_\_\_\_\_  
(P) Withdrawn \_\_\_\_\_

Authority: CACI VF-1903

**SPECIAL VERDICT FORM NO. \_**  
**NEGLIGENT MISREPRESENTATION**  
**GRUMPY BEVERAGE, LLC VERSUS GRUMPY CAT LIMITED**

We, the jury in the above-entitled action, answer the questions submitted to us as follows:

**1. Did Grumpy Cat make a false representation of a fact to Paul Sandford and/or Nick Sandford?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 1 is YES, then answer question 2.
- If your answer to question 1 is NO, then stop here, answer no further questions, and have the presiding juror sign and date this form.

**2. Did Grumpy Cat honestly believe that the representation was true when Grumpy Cat made it?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 2 is YES, then answer question 3.
- If your answer to question 1 is NO, then stop here, answer no further questions, and have the presiding juror sign and date this form.

1           **3. Did Grumpy Cat have reasonable grounds for believing the**  
2           **representation was true when Grumpy Cat made it?**

3           \_\_\_\_\_YES           \_\_\_\_\_NO

- 4           • If your answer to question 3 is NO, then answer question 4.
- 5           • If your answer to question 3 is YES, then stop here, answer no further
- 6           questions on this form, and have the presiding juror sign and date this
- 7           form.

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9           **4. Did Grumpy Cat intend that Paul Sandford and Nick Sandford rely on**  
10           **the representation?**

11           \_\_\_\_\_YES           \_\_\_\_\_NO

- 12           • If your answer to question 4 is YES, then answer question 5.
- 13           • If your answer to question 4 is NO, then stop here, answer no further
- 14           questions on this form, and have the presiding juror sign and date this
- 15           form.

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17           **5. Did Paul Sandford and/or Nick Sandford reasonably rely on the**  
18           **representation in forming Grumpy Beverage?**

19           \_\_\_\_\_YES           \_\_\_\_\_NO

- 20           • If your answer to question 5 is YES, then answer question 6.
- 21           • If your answer to question 5 is NO, then stop here, answer no further
- 22           questions on this form, and have the presiding juror sign and date this
- 23           form.

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25           **6. Was Paul Sandford's and Nick Sandford's reliance on Grumpy Cat's**  
26           **representation a substantial factor in causing harm to Grumpy**  
27           **Beverage?**

28           \_\_\_\_\_YES           \_\_\_\_\_NO

- If your answer to question 6 is YES, then answer question 7.
- If your answer to question 6 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

**7. What are Grumpy Beverage's damages?**

**a. Past economic loss:**

**Lost earnings:** \$ \_\_\_\_\_

**Lost profits:** \$ \_\_\_\_\_

**Total Past Economic Damages:** \$ \_\_\_\_\_

**b. Future economic loss:**

**Lost earnings:** \$ \_\_\_\_\_

**Lost profits:** \$ \_\_\_\_\_

**Total Past Economic Damages:** \$ \_\_\_\_\_

**TOTAL:** \$ \_\_\_\_\_

Signed: \_\_\_\_\_

Presiding Juror

Dated: \_\_\_\_\_

After all verdict forms have been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.



Special Verdict Form No. \_:

(Q) Given as proposed \_\_\_\_\_  
(R) Given as modified \_\_\_\_\_  
(S) Refused \_\_\_\_\_  
(T) Withdrawn \_\_\_\_\_

Authority: CACI VF-304

**SPECIAL VERDICT FORM NO. \_**

**BREACH OF FIDUCIARY DUTY**

**GRUMPY BEVERAGE, LLC VERSUS GRUMPY CAT LIMITED**

We, the jury in the above-entitled action, answer the questions submitted to us as follows:

**1. Did Grumpy Cat and Grumpy Beverage enter into a joint venture that resulted in Grumpy Cat owing a fiduciary duty to Grenade Beverage?**

\_\_\_\_\_YES \_\_\_\_\_NO

- If your answer to question 1 is YES, then answer question 2.
- If your answer to question 1 is NO, then stop here, answer no further questions, and have the presiding juror sign and date this form.

**2. Did Grumpy Cat breach its fiduciary duty to Grumpy Beverage?**

\_\_\_\_\_YES \_\_\_\_\_NO

- If your answer to question 2 is YES, then skip question 3 and answer question 4.
- If your answer to question 2 is NO, then answer question 3.

**3. Was Grumpy Beverage harmed by Grumpy Cat's breach of fiduciary duty?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 3 is YES, then answer question 4.
- If your answer to question 3 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

**4. Was Grumpy Cat's conduct a substantial factor in causing Grumpy Beverage's harm?**

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question 4 is YES, then answer question 5.
- If your answer to question 4 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

**5. What are Grumpy Beverage's damages?**

TOTAL: \$ \_\_\_\_\_

Signed: \_\_\_\_\_  
Presiding Juror

Dated: \_\_\_\_\_

After all verdict forms have been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.

Special Verdict Form No. \_:

- (A) Given as proposed \_\_\_\_\_  
(B) Given as modified \_\_\_\_\_  
(C) Refused \_\_\_\_\_  
(D) Withdrawn \_\_\_\_\_

SPECIAL VERDICT FORM NO. \_

PUNITIVE DAMAGES

GRUMPY CAT LIMITED

We, the jury, answer the questions submitted to us as follows:

1. Did Grumpy Cat engage in conduct with malice, oppression, or fraud?

\_\_\_\_\_YES \_\_\_\_\_NO

- If your answer to question 1 is YES, then answer question 2.
- If your answer to question 1 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

2. Was the conduct constituting malice, oppression, or fraud committed by one or more officers, directors, or managing agents of Grumpy Cat while he/she/they were acting on behalf of Grumpy Cat?

\_\_\_\_\_YES \_\_\_\_\_NO

- If your answer to question 2 is YES, then answer question 3.
- If your answer to question 2 is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

3. What amount of punitive damages, if any, do you award to Grumpy Beverage?

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TOTAL: \$ \_\_\_\_\_

Signed: \_\_\_\_\_  
Presiding Juror

Dated: \_\_\_\_\_

After all verdict forms have been signed, notify the [clerk/bailiff/court attendant] that you are ready to present your verdict in the courtroom.

Special Verdict Form No. \_:

- (A) Given as proposed \_\_\_\_\_  
(B) Given as modified \_\_\_\_\_  
(C) Refused \_\_\_\_\_  
(D) Withdrawn \_\_\_\_\_

**SPECIAL VERDICT FORM NO. \_**

**INCORPORATE INTO GRUMPY CAT'S SPECIAL VERDICT FORM**

We, the jury in the above-entitled action, answer the questions submitted to us as follows:

1. **Failure to Mitigate:** Should Grumpy Cat's damages for the cause of action of breach of contract be reduced because there were amounts that Grumpy Cat could have avoided with reasonable efforts or expenditures?

\_\_\_\_\_ YES \_\_\_\_\_ NO

- If your answer to question \_\_ is YES, then answer question \_\_.
- If your answer to question \_\_ is NO, then stop here, answer no further questions on this form, and have the presiding juror sign and date this form.

5. **By what amount should Grumpy Cat's damages be reduced for failure to mitigate damages?**

TOTAL: \$ \_\_\_\_\_

Signed: \_\_\_\_\_  
Presiding Juror

1 Dated: \_\_\_\_\_

2 After all verdict forms have been signed, notify the [clerk/bailiff/court  
3 attendant] that you are ready to present your verdict in the courtroom.  
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2 Dated: January 9, 2018

Respectfully submitted,

THE KINDER LAW GROUP, APC

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4 By: /s/ Brian P. Kinder

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8 IN ASSOCIATION WITH:

9  
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11 By: /s/ John Gulino

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14 Attorneys for Defendants and  
15 Counterclaimants Paul Sandford and  
16 Nick Sandford and Intervening  
17 Defendant and Counterclaimant Grumpy  
18 Beverage, LLC  
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